



The State University  
of New York

# Office for Capital Facilities Guidance Document

CLC-11

*April 19, 2016*

## Approval of Real Property Transactions

A reference guide for the approval of real  
property transactions on state-operated  
campuses

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### **Introduction**

In 2012, the SUNY Board of Trustees delegated approval of certain real property transactions to the Chancellor, who in turn delegated this authority to the Vice Chancellor for Capital Facilities. In addition, the Board delegated the approval and acceptance of donated real property to the Chancellor, who in turn delegated this authority to the Chief Financial Officer or the General Counsel. The Gift Acceptance Procedure ([SUNY Procedure Item 9205](#)) contains additional information related to the acceptance of donations of real property, personal property and cash. Real Property transactions not covered by these delegations continue to require approval by the Board of Trustees.

**Real property transactions cannot be effected at the campus level, with the exception of revocable permits for less than thirty days in duration. Prior to entering into any agreement related to real property transactions, appropriate approval is required.**

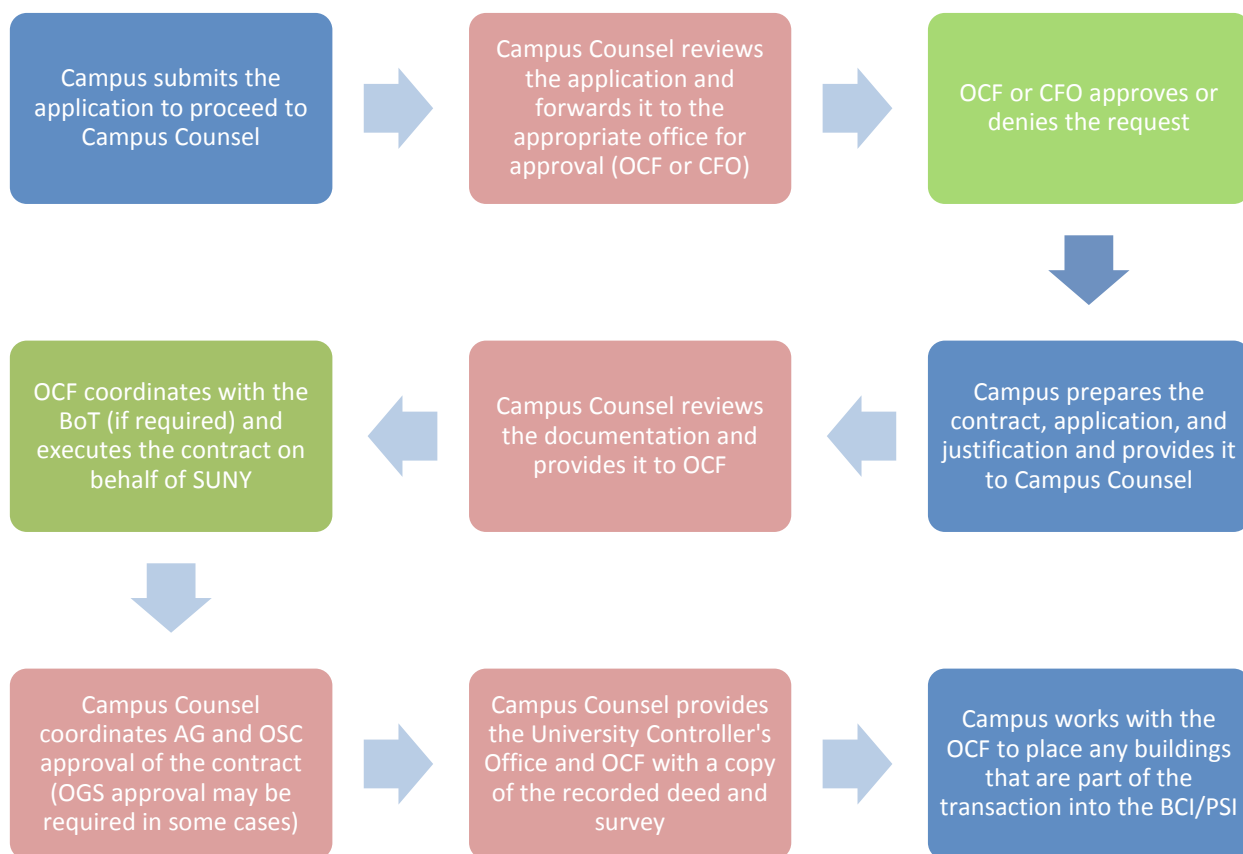
### **Required Approval**

Item	Type of Real Property Transaction	Required Approval
<b>A</b>	Purchase of real property for \$1 million or less <i>*if greater than \$1M, Board Approval is required</i>	Vice Chancellor for Capital Facilities or Executive Director of Capital Facilities
<b>B</b>	Abandonment of not more than the lesser of 20 acres or 10% of the total acreage of the campus <i>*if greater than 20 acres or 10%, Board Approval is required</i>	Vice Chancellor for Capital Facilities or Executive Director of Capital Facilities
<b>C</b>	Utility, highway improvement, or telecommunication easements	Vice Chancellor for Capital Facilities or Executive Director of Capital Facilities
<b>D</b>	Transfer of real property to a State agency - not more than the lesser of 20 acres or 10% total campus acreage <i>*if greater than 20 acres or 10%, Board Approval is required</i>	Chancellor for Capital Facilities or Executive Director of Capital Facilities
<b>E</b>	Transfer of state owned property from a state entity to the campus	Vice Chancellor for Capital Facilities or Executive Director of Capital Facilities
<b>F</b>	Gift acceptance of real property to System Administration or to the University	Chief Financial Officer
<b>G</b>	Gift acceptance of real property to a campus	Chief Financial Officer
<b>H</b>	Demolition of surplus buildings and improvements	Vice Chancellor for Capital Facilities or Executive Director of Capital Facilities
<b>I</b>	All other real property transactions	Board of Trustees Resolution

SUNY’s authority to purchase and receive real property is set forth in NYS Education Law, which allows the Board of Trustees to acquire property through purchase or lease and by acceptance of gifts, grants and bequests. The authority to lease SUNY property must be accomplished by specific legislation preceded generally by a Board resolution. The sale and transfer of SUNY property is done through the NYS Office of General Services under the authority set forth in the NYS Public Lands Law. The granting of permanent easements on SUNY property is also done through the NYS Office of General Services.

**Approval Process**

When initiating, and prior to entering into any agreement related to a real estate transaction, the campus is to submit the Attachment 1 form “Application for Approval to Advance Real Property Transactions” to their campus counsel, who will review and forward the application to the appropriate office for review and approval.



Once approval to proceed is received, the campus, in collaboration with campus counsel, may prepare the contract. The campus then sends the contract, application, justification and any other necessary documents to campus counsel for review. Campus counsel will in turn forward this information to the Office for Capital Facilities (OCF). OCF will coordinate Board of Trustees approval, if required, and sign the contract on behalf of SUNY. The signed contract will be returned to campus counsel who will send the required information and signed contract to the Attorney General (AG) and the Office of the State

Comptroller (OSC) for approval. The contract may also need approval by the Office of General Services (OGS) in certain cases; for example, easements or transfer of property between agencies. In order to ensure the proper accounting of the assets, the University Controller's Office and the Office for Capital Facilities must be notified when SUNY acquires property either by purchase or gift, and must be notified when property has been transferred to SUNY or when SUNY has transferred property to another state agency. In addition, those offices must be notified when SUNY is the grantor or grantee of a permanent easement. A copy of the survey and recorded instrument will be sent to the University Controller's Office and the Office for Capital Facilities by campus counsel. If any buildings are included as part of the transaction, the campus must work with the Office for Capital Facilities to place the building information into the Building Characteristics Inventory (BCI) and Physical Space Inventory (PSI).

### **Attachments**

1. [Application for Approval to Advance Real Property Transactions](#)

### **References**

1. SUNY Procedure 7550 - [Acquisition and Disposal of Real Property Interests](#)
2. SUNY Procedure 9205 - [Gift Acceptance Procedure](#)
3. Public Buildings Law Section 10 - [Laws of New York](#), PBL, Article 2, 10